

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, July 25, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; quorum present.

Absent—Bowers and Rawson.

Journal of Saturday read and approved.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 125, entitled "An Act to amend the ninth section of 'An Act to amend the charter of the town of Goliad,'" have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

On motion of Senator Pridgen the rules were suspended to consider the report.

Report read and adopted.

Bill read second time and passed to engrossment, and, on further motion, the rules were suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clarke, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—27.

Nays—None.

Absent—Hall.

Bill passed.

Message from the House informing the Senate the House had passed House bill No. 133, "An Act concerning the University lands and confirming the title thereto."

House bill No. 22, "An Act to incorporate and grant a new charter to the town of Georgetown, and repeal 'An Act approved September 26, to incorporate the town of Georgetown, in Williamson county, Texas.'"

House bill No. 457, "An Act for the relief of James L. Lipscomb and John Blair, of Houston county and State of Texas."

House bill No. 432, "An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within two miles of the village of Ladonia, Fannin county, Texas."

House bill No. 428, "An Act to legalize the organization and qualifications of the county officers of Hamilton county, and to legalize the acts of the same."

House bill No. 364, "An Act to incorporate the city of Columbus, and for other purposes."

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 259, entitled "An Act to establish and incorporate the Beneficial Society of Galveston," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Report of Committee on Engrossment :

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 106, "to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of the 'Gulf, Western Texas and Pacific Railway Company,'" also Senate bill No. 82, "to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty, of an act to incorporate the Waco Tap Railroad Company;" also, Senate bill No. 119, "to incorporate the New Anhalt Manufacturing Company;" also, Senate bill no 208, "to incorporate the Gymnastic Association of New Braunfels," and Senate bill No. 284, "to provide that certified copies of written documents, filed in any of the State departments, shall be admitted in evidence in the courts of this State," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY.
P. W. HALL.

BILLS.

By Senator Campbell: "An Act to incorporate the Marion County Agricultural and Mechanical Association."

Read first time and referred to Committee on Judiciary.

By Senator Baker: "An Act incorporating the Texas Coal and Mining Company."

Read first time, referred to Committee on Internal Improvements.

By Senator Priest: "An Act to authorize the County Court of the county of Cherokee to levy a special tax for the payment of jail expenses."

Read first time.

On motion of Senator Priest the rules were suspended to consider the bill.

Bill read second time and passed to engrossment, and, on further motion, the rules were suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Broughton, Clark, Cole, Donohoy, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawsen, Ruby, Saylor Shannon—24.

Nays—None.

Absent—Bowers, Douglas, Latimer, Mills—4.

Bill passed.

By Senator Saylor: A bill entitled "An Act providing for the creation of a normal university, and to provide for the support and maintenance of the same."

Read first time and referred to Committee on Education.

By Senator Baker: "An Act to provide suitable chambers for the Supreme Court."

Read first time and referred to Committee on Public Buildings.

By Senator Pridgen: A bill to be entitled "An Act to incorporate the Beaumont, Galveston and Coast Railway Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Hertzberg: An act to be entitled "An Act to incorporate the San Antonio Meat Extract Company, of the city of San Antonio."

Read first time and referred to Committee on Judiciary.

By Senator Parsons: "An Act to incorporate Waco Female College."

Read first time and referred to Committee on Judiciary.

On motion of Senator Baker the rules were suspended to take up Senate bill 87, "An Act providing for the payment of district at-

torneys *pro tem.*," with the following amendment by the House: Amend section one by inserting after the word "judges," in line four, the words "or the Commanding-General Fifth Military District."

On motion of Senator Pridgen, the Senate concurred in House amendments.

Bill read third time, and passed as amended, and the House informed of the concurrence of the Senate.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 331, "An Act to incorporate the Liberty County Texas Agricultural, Mechanical and Blood Stock Association."

Bill read first time; rules suspended, bill read second time.

Senator Pickett offered the following amendment:

Amend section one by striking out the word "commissioners," and insert "incorporators."

Amendment adopted.

And on further motion the rules were suspended, and bill read third time.

Yeas and nays taken on final passage:

Yeas---Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon---26.

Nays none.

Absent---Hall, Mills---2.

Bill passed.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 65, "An Act to incorporate the Gulf Land Company of Galveston, Texas."

Read first time; rules suspended, read second and third times and passed.

Yeas---Mr. President, Bell, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon---21.

Nays none.

Absent---Baker, Bowers, Broughton, Gaines, Latimer Mills, Pyle---7.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 44, "An Act to incorporate the Firemen's Insurance Company of Galveston."

Bill read first time; rules suspended and bill read second time; and, on motion of Senator Flanagan, the rules were suspended and bill read third time.

Yeas and nays taken on final passage:

S J—53

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Priest, Pridgen, Pyle, Rawson, Ruby—22.

Nays none.

Absent—Latimer, Mills, Pettit, Pickett, Saylor, Shannon—6.

Bill passed.

On motion of Senator Bowers the rules were suspended to take up House bill No. 428, "An Act to legalize the organization and qualification of the county officers of Hamilton county, and to legalize the acts of the same."

Read first time and referred to Committee on Judiciary.

The hour having arrived for the consideration of special order (House bill No. 167), on motion of Senator Ruby the special order was postponed and made the special order for to-morrow at 11:30 A. M. and thereafter until disposed of.

On motion of Senator Priest the rules were suspended to take up Senate bill No. 138, "An Act to change the name of Anna O'Donnell to Anna Rowe."

Bill read second time.

Senator Priest offered the following amendment:

In lines one and two, section one, strike out the words "Senate and House of Representatives," and insert "Legislature."

Amendment adopted; rules suspended and bill read third time and passed.

On motion of Senator Bowers the rules were suspended to take up House bill No. 260, "An Act to incorporate the town of Gatesville, in Coryell county, Texas."

Bill read first time and referred to Committee on Judiciary.

Under direction of the President the Secretary carried to the House, with action of the Senate, (Senate bill No. 82), "An Act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty, of an act to incorporate the Waco Tap Railroad Company."

Senate bill No. 106, "An Act to authorize the consolidation of the Indianola Railroad with the San Antonio and Mexican Gulf Railroad Company, under the name and style of the 'Gulf, Western Texas and Pacific Railway Company.'"

Senate bill No. 208, "An Act to incorporate the Gymnastic Association of New Braunfels."

Senate bill No. 119, "An Act to incorporate the New Anhalt Manufacturing Company."

Senate bill No. 284, "An Act to provide that certified copies of written documents, filed in any of the State departments, shall be admitted in evidence in the courts of this State."

Message from the House informing the Senate the House had concurred in Senate amendments to House bill No. 386.

Also, Senate amendments to House bill No. 139.

Also, that the Speaker had signed in open session enrolled bill, "An Act for the relief of the heirs of General Sam Houston, deceased.

Also, enrolled bill, "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," whereupon they were signed by the President.

Special order :

The hour for special order, the consideration of the Governor's veto on Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad."

[Senator Pickett in the chair.]

Pending discussion, Senator Pettit offered the following resolution :

Resolved, That the veto message of his Excellency, Governor Davis, upon the bill to expedite the construction of the Southern Pacific Railroad Company be referred to a special committee of five, with instructions to investigate the issues raised, and report Wednesday at 11 A. M.

Yeas—Messrs. President, Gaines, Hall, Pettit, Pickett, Ruby, Saylor—7.

Nays—Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hertzberg, Latimer, Mills, Parsons, Priest, Pridgen, Pyle, Rawson, Shannon—21.

Resolution lost.

[President resumed the chair.]

The question recurring upon the passage of Senate bill No. 94, Senator Parsons moved that, on reconsideration of the vote, the Senate decide to pass the bill.

Yeas and nays taken :

Yeas—Messrs. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Mills, Parsons, Pridgen, Pyle, Rawson, Ruby, Shannon—19.

Nays—Fountain, Gaines, Hall, Hertzberg, Latimer, Pettit, Pickett, Priest, Saylor—9.

Carried.

Bill passed.

Under direction of the President, the Secretary informed the House that the Senate, on reconsideration, had passed Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad Company," vetoed by the Governor, July 18, 1870.

On motion of Senator Fountain the Senate went into executive session.

IN THE SENATE.

Under direction of the President, the Secretary informed his Excellency, the Governor, that the Senate had, in executive session, advised and consented to the following appointments, to-wit: Charles Fowler, W. S. Davis, John Sealy, F. W. Hitchcock, Joseph Bernard, Pilot Commissioners of the Port of Galveston; Daniel D. Claiborne, for Judge of the District Court for the Seventeenth District.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 25, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 14, entitled "An Act to incorporate the Jefferson, Marshall and Big Cypress Bridge Company," and Senate bill No. 75, entitled "An Act for the relief of the heirs of General Sam Houston, deceased," and to-day, at 12 o'clock and twenty-five minutes, presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Special Message from the Governor, by his Private Secretary:

EXECUTIVE DEPARTMENT,
Austin, July 25, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit:

J. M. Onins, for Judge of the District Court for the Twenty-eighth District.

Respectfully,
EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Senator Mills moved the Senate stand adjourned till to-morrow at ten o'clock A. M.

Yeas--Baker, Bell, Dohoney, Douglas, Evans, Mills, Pyle, Shannon--8.

Nays--Mr. President, Bowers, Clark, Cole, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor--17.

Absent--Flanagan, Broughton, Latimer--3.

Lost.

On motion of Senator Fountain, the rules were suspended to take up House bill No. 341, "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier, the erection and maintenance of a frontier telegraph, the organization of the Reserve Militia and the organization, arming and equipment of the State Guards."

Report of committee read and adopted.

Senator Fountain offered the following amendment:

Section first, strike out all after the word "frontier."

Carried.

On motion of Senator Fountain, the bill was referred to the Committee on Judiciary with instructions to report on Wednesday, at 10:30 A. M., made the special order for that time.

On motion of Senator Bowers the Senate adjourned,
